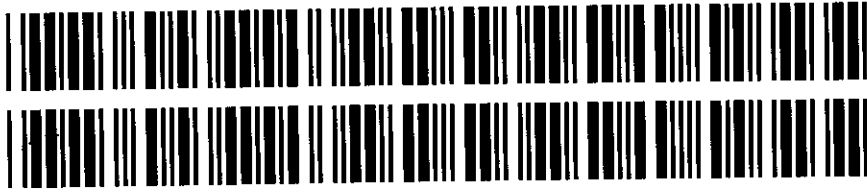
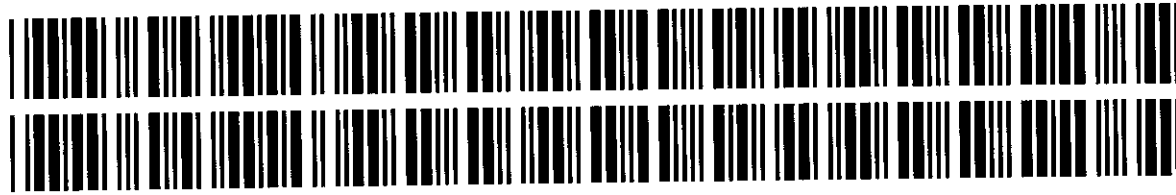


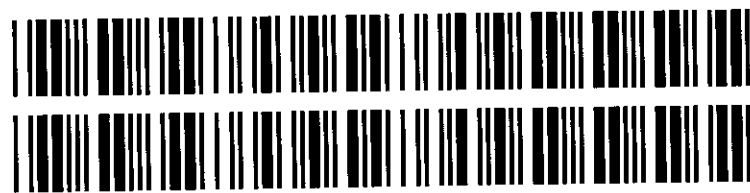
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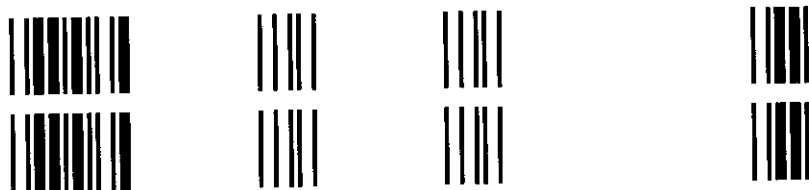
CV-S-00-0647-0003



07/14/2000



\*A / /



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12 Attorneys for Defendants  
13 FLEET CREDIT CARD SERVICES, L.P.

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 \* \* \*

17 JERROD F. LOGUE,

CASE NO. CV-S-00-0647-JBR-LRL

18 Plaintiff,

19 vs.

**FLEET CREDIT CARD SERVICES,  
L.P.'S ANSWER TO PLAINTIFF'S  
COMPLAINT**

20 FLEET CREDIT CARD SERVICES, L.P., a  
21 foreign entity,

22 Defendant.  
23 \_\_\_\_\_/

24 Defendant, FLEET CREDIT CARD SERVICES, L.P. ("Fleet"), for its answer to the  
25 Complaint, admits, denies and alleges as follows:

26 1. The averments contained in Paragraph 1 of plaintiff's Complaint set forth a legal  
27 conclusion and, therefore, Fleet denies the averments as stated.

28 **PRELIMINARY STATEMENT**

1 Fleet admits that plaintiff's Complaint purports to set forth the claims asserted in  
2 Paragraph 2 of his Complaint but denies that plaintiff is entitled to the relief requested from  
3 Fleet.

4 ///

5 ///

6 ///

1           3.       The averments contained in Paragraph 3 of plaintiff's Complaint set forth a legal  
2 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 3 sets  
3 forth factual averments, Fleet lacks knowledge or information sufficient to form a belief as to the  
4 truth of those averments and, therefore, denies the averments.

5           4.       The averments contained in Paragraph 4 of plaintiff's Complaint set forth a legal  
6 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 4 sets  
7 forth factual averments, Fleet admits that it is a limited partnership organized under the laws of  
8 the State of Rhode Island.

9                                   **CAUSE OF ACTION**  
                                  **Statement of Facts**

10           5.       The credit report referenced in Paragraph 5 of plaintiff's Complaint is a written  
11 document which speaks for itself and, therefore, Fleet denies the averments as stated. To the  
12 extent Paragraph 5 sets forth factual averments, Fleet lacks knowledge or information sufficient  
13 to form a belief as to the truth of those averments and, therefore, denies the averments.

14           6.       Fleet lacks knowledge or information sufficient to form a belief as to the truth of  
15 the averments contained in Paragraph 6 of plaintiff's Complaint and, therefore, denies the  
16 averments.

17           7.       The agreements referenced in Paragraph 7 of plaintiff's Complaint are written  
18 documents which speak for themselves and, therefore, Fleet denies the averments as stated.  
19 Moreover, the averments contained in Paragraph 7 of plaintiff's Complaint set forth a legal  
20 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 7 sets  
21 forth factual averments, Fleet denies the averments.

22           8.       The averments contained in Paragraphs 8 and 9 of plaintiff's Complaint set forth a  
23 legal conclusion and, therefore, Fleet denies the averments as stated.

24           9.       The averments contained in Paragraph 10 of plaintiff's Complaint set forth a legal  
25 conclusion and, therefore, Fleet denies the averments as stated. To the extent Paragraph 10 sets  
26 forth factual averments, Fleet lacks knowledge or information sufficient to form a belief as to the  
27 truth of those averments and, therefore, denies the averments.

## Statement of Claim

## **AFFIRMATIVE DEFENSES**

Plaintiff did not suffer any damages as a result of the conduct of Fleet.

If plaintiff suffered damages, none being admitted, plaintiff failed to mitigate his damages.

Plaintiff fails to state a cause of action upon which relief can be granted.

**Fleet did not commit any wrongful, illegal or inappropriate acts.**

**Plaintiff's claims are barred by the doctrine of unclean hands.**

Plaintiff's claims are barred by the doctrines of accord and satisfaction, set-off, and recoupment.

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///

1 WHEREFORE, defendant prays for judgment as follows:

- 2 1. That the plaintiff take nothing by way of his Complaint and that the same be  
3 dismissed with prejudice;
- 4 2. That defendant recover its attorneys' fees and costs of suit incurred herein; and
- 5 3. For such other and further relief as the Court deems proper.

6 DATED this 12<sup>th</sup> day of July, 2000.

7 ROBISON, BELAUSTEGUI, SHARP & LOW  
8 a Professional Corporation  
9 71 Washington Street  
10 Reno, Nevada 89503

11 By: 

12 KEEGAN C. LOW

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16 1735 Market Street, 51<sup>st</sup> Floor  
17 Philadelphia, Pennsylvania 19103

18 Attorneys for Defendant  
19 FLEET CREDIT CARD SERVICES, L.P.

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to FRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, and that on this date I deposited for mailing at Reno, Nevada, a true copy of the **FLEET CREDIT CARD SERVICES, L.P.'S ANSWER TO PLAINTIFF'S COMPLAINT** addressed to:

Mitchell D. Gliner, Esq.  
Temple Plaza  
3017 West Charleston Boulevard, Suite 95  
Las Vegas, Nevada 89102

DATED this 13<sup>th</sup> day of July, 2000.

  
EILEEN BUCHANAN-WRIGHT